

FILED
11/3/2020 2:58 PM
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No. 15-22497 GLT
KATHLEEN MISKOVICH,	:	Chapter 13
Debtor	:	
	:	Related to Document No. 133
	:	
CALAIARO VALENCIK,	:	
Movant,	:	Hearing Date and Time:
vs	:	11/18/2020 @10:00 a.m.
	:	
KATHLEEN MISKOVICH,	:	Response Document No: 134
Respondent.	:	

**OBJECTIONS TO FINAL FEES AND EXPENSES APPLICATION FILED ON
BEHALF OF CALAIARO VALENCIK**

1. On December 26, 2014, Albert J. Marx, deceased, died, leaving his wife, Kathleen Miskovich, Debtor, (hereinafter Respondent") and their son.
2. On January 23, 2015, Donald R. Calaiaro, Esquire, hereinafter ("Movant"), was employed as counsel for Respondent, for the filing of a Chapter 13 Bankruptcy.
3. Respondent executed an engagement letter and paid Movant the required retainer fee in person on January 22, 2015.
4. Despite repeated requests that Movant commence the filing, Movant

failed to take any action until July 9, 2015. A true and correct copy of Respondent's correspondence dated July 2, 2015, and July 13, 2015, are attached hereto and marked Exhibits 1 and 2 respectively.

5. From January 22, 2015, until August 20, 2015, for a period of seven months, Respondent continued to receive harassing and threatening telephone calls at her home and office from creditors causing her stress and threatening her employment.

6. At all times throughout legal representation, Respondent complied with all of Movant's demands.

7. Movant repeatedly failed to meet deadlines set by the Court and requested extensions of time causing both delay to Respondent's case and creating additional legal fees and costs. True and correct copies of Respondent's correspondence dated November 9, 2015, and October 2, 2020, are attached hereto and marked Exhibits 1 and 2 respectively.

8. Movant failed to provide Respondent with reasonable and accurate legal advice resulting in excess legal fees. True and correct copies of October 2, 2020, October 14, 2015, October 26, 2015, March 29, 2016, December 1, 2017, December 3, 2018, and September 5, 2020, correspondence are attached hereto and marked Exhibits 4, 5, 6, 7, 8, 9, and 10 respectively.

9. Movant neglected to request information from Respondent until the

proverbial last minute, leaving her only hours during her work week to obtain the information being requested of her and to deliver same to Movant's office the same day. True and correct copies of October 14, 2015, March 29, 2016, August 17, 2015, September 16, 2015, October 13, 2015, November 11, 2015, March 3, 2016, and December 18, 2017, correspondence are attached hereto and marked Exhibits 5, 7, 11, 12, 13, 14, 15, 16, 17 respectively.

10 Movant repeatedly failed to respond to Respondent's telephone calls, letters sent via electronic mail, letters sent via facsimile and letters sent via U.S. mail. True and correct copies of October 2, 2020, March 29, 2016, December 1, 2017, December 3, 2018, September 5, 2020, September 16, 2015, December 18, 2017, August 13, 2015, and November 27, 2017, correspondence are attached hereto and marked Exhibits 4, 7, 8, 9, 10, 12, 17, 18, and 19 respectively.

11 Movant duplicated billing by negligently sending letters to Respondent which were not intended for her and repeatedly failing to enclose documents referenced as enclosed. True and correct copies of December 1, 2017, March 3, 2016, and July 31, 2015, and August 13, 2015, correspondence are attached hereto and marked Exhibits 8, 16, 20, and 21 respectively.

12 Movant charged excessive fees to respond to letters for problems created by Movant.

13 Movant failed to provide Respondent with both correspondence and legal pleadings which impacted her case directly. True and correct copies of December 1, 2017, and March 3, 2016, correspondence are attached hereto and marked Exhibits 8, 16 respectively.

14 Respondent requested a billing statement but was never provided with same for five years.

15 Respondent was given inconsistent instructions and information jeopardizing both her case and standing with the Court and her creditors. True and correct copies of October 2, 2020, December 3, 2018, September 5, 2020, and March 3, 2016, are attached hereto and marked Exhibit 4, 9, 10, and 16 respectively.

16 Movant charged Respondent for unnecessary internal communications within his office and for work not performed. True and correct copies of October 2, 2020, December 1, 2017, and September 5, 2020, correspondence are attached hereto and marked Exhibits 4, 8, and 10 respectively.

17 As a result of the aforementioned, Movant conducted themselves in bad faith, negligence, engaged in malpractice, breached their contract for fair and professional services and engaged in excessive billing.

WHEREFORE, it is respectfully requested that this Honorable Court enter an Order denying the payment of any fees over the retainer paid by Respondent and the payment of \$4,000 from the Chapter 13 Trustee.

Dated: November 2, 2020

By: _____



Kathleen Miskovich
Debtor/Respondent

1219 Applewood Drive
Gibsonia, PA 15044

Telephone: 1-724-444-1945

Electronic Mail:

kmiskovich@miskovichlaw.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No. 15-22497 GLT
KATHLEEN MISKOVICH,	:	Chapter 13
Debtor	:	
	:	Related to Document No. 133
	:	
CALAIARO VALENCIK,	:	
Movant,	:	Hearing Date and Time:
vs	:	11/18/2020 @10:00 a.m.
	:	
KATHLEEN MISKOVICH,	:	Response Document No: 134
Respondent.	:	

**CERTIFICATE OF SERVICE OF OBJECTIONS TO FINAL FEES AND EXPENSES
APPLICATION FILED ON BEHALF OF CALAIARO VALENCIK**

I certify under penalty of perjury that I served the above captioned pleading on the parties at the addresses specified below or on the attached list on November 2, 2020.

Service by First Class Mail:

David Z. Valencik, Esquire: Calaiaro Valencik, 938 Penn Avenue, Suite 501
Pittsburgh, PA 15222-3708

Service by Electronic Notification:

Office of the United States Trustee: ustpregion03.pi.ecf@usdoj.gov
Rhonda J. Winnecour: cmecf@chapter13trusteewddpa.com

Hand Delivery:

The Honorable Gregory L. Taddonio, U.S. Bankruptcy Court, 5414 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219 and 5490 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219

EXECUTED ON: November 2, 2020

By: 
Kathleen Miskovich
Debtor/Respondent

1219 Applewood Drive
Gibsonia, PA 15044
Telephone: 1-724-444-1945
Electronic Mail: kmiskovich@miskovichlaw.com

Deborah Miskovich

From: Deborah Miskovich
Sent: Thursday, July 2, 2015 2:23 PM
To: 'DCALAIARO@C-VLAW.COM'
Subject: FW: KATHLEEN MISKOVICH

PLEASE SEE BELOW

DEBORAH S. MISKOVICH, ESQUIRE

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From: Deborah Miskovich
Sent: Thursday, July 2, 2015 2:17 PM
To: 'DCALAIARO@C-VLAW.COM'
Subject: KATHLEEN MISKOVICH

Don:

This e-mail will confirm our telephone conversation yesterday afternoon at which time I inquired into the status of Kathleen's bankruptcy filing. You indicated that Kathleen had taken some time to respond to your inquiries and I stated that Kathleen had made similar complaints regards your responding to her requests; in particular, the filing of the bankruptcy action; she stated that it was her understanding that this should have been accomplished in February.

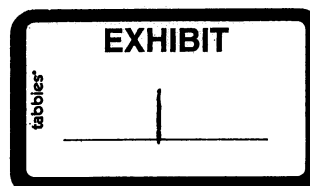
To streamline communications and to insure that you both have everything that you all need in a timely manner, I asked that your office send me copies of any correspondence either via fax or via e-mail.

As a final note, as you requested, immediately following our conversation I telephoned your assistant to make an appointment to meet with you and Kathleen. The appointment was confirmed for Monday. This day I received a telephone call from your assistant who stated that the meeting had to be moved. I asked for 2:00 p.m. on Tuesday but she stated that it would have to be at 1:30 p.m. I did tell her that I was in Arbitration that day and hoped to conclude by 1:30 and would call if I was not finished.

I look forward to seeing you and Kathleen on Tuesday.

Thank you.

DEBORAH S. MISKOVICH, ESQUIRE



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Deborah Miskovich

From: Donald Calaiaro <dcalaiaro@c-vlaw.com>
Sent: Thursday, July 2, 2015 2:43 PM
To: Deborah Miskovich
Subject: Re: FW: KATHLEEN MISKOVICH

I will be out of the office until Monday June 29, 2015. If you need assistance please call the main number, 412 232 0930, and someone will glad to help you. Thank you.

Deborah Miskovich

m: Deborah Miskovich
Sent: Monday, July 13, 2015 11:32 AM
To: 'DCALAIARO@C-VLAW.COM'
Subject: KATHLEEN MISKOVICH

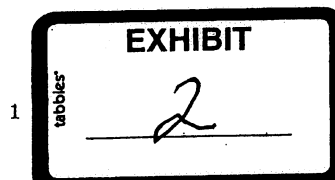
DONALD:

AT OUR MEETING OF JULY 7, 2015, YOU HAD STATED THAT YOU INTENDED TO FILE A PETITION FOR KATHY ON JULY 8, 2015, AND THAT NOTICES WOULD GO OUT TO THE VARIOUS CREDITORS SO AS TO STOP THE CONTINUOUS CALLS TO HER. PLEASE FORWARD A COPY OF THE FILED PETITION TO ME AS WELL AS COPIES OF THE CREDITOR LETTERS. YOU DO NOT NEED TO COPY KATHY; I WILL PROVIDE HER WITH COPIES AS I RECEIVE THEM.

THANK YOU.

DEBORAH S. MISKOVICH, ESQUIRE

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Deborah Miskovich

From: Microsoft Outlook
To: DCALAIARO@C-VLAW.COM
Sent: Monday, July 13, 2015 11:32 AM
Subject: Relayed: KATHLEEN MISKOVICH

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Subject: KATHLEEN MISKOVICH

Deborah Miskovich

From: Deborah Miskovich
Sent: Monday, November 9, 2015 10:59 AM
To: DCALAIARO@C-VLAW.COM; 'David Valencik'
Subject: LMP STATUS REPORT - DUE TODAY OR TOMORROW & LEGAL RESEARCH
Importance: High

DON AND DAVID:

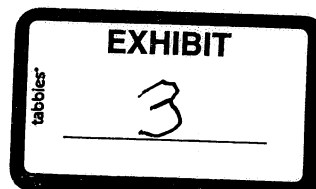
GOOD MORNING:

- 1) MY NOTES INDICATED THAT PURSUANT TO THE LOSS MITIGATION ORDER DATED SEPTEMBER 9, 2015, "NINETY (90) DAYS FROM THE ENTRY OF THE LOSS MITIGATION ORDER, THE DEBTOR SHALL FILE AND SERVE UPON ALL INTERESTED PARTIES AN LMP STATUS REPORT, PURSUANT TO W.PA.LBR 9020-4€." HAVE WE DONE SO?
- 2) AS PER MY E-MAIL TO YOU DATED NOVEMBER 5, 2015, WE HAD DISCUSSED YOUR PROVIDING ME WITH THE CITATIONS FOR THE BRIEF WHICH I SAID THAT I WOULD RESEARCH FOR YOU AS WELL AS THE PROCEDURAL RULES WHICH APPLY. INASMUCH AS THE BRIEF IS DUE NOVEMBER 24, 2015, I WOULD LIKE TO GET STARTED SO THAT THERE IS ADEQUATE TIME FOR YOU TO REVIEW WHATEVER I MAY FIND AND TO PREPARE THE BRIEF.

THANK YOU.

DEBORAH S. MISKOVICH, ESQUIRE
900 PARISH STREET
THIRD FLOOR
PITTSBURGH, PA 15220

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Deborah Miskovich

From: Microsoft Outlook
To: DCALAIARO@C-VLAW.COM; David Valencik
Sent: Monday, November 9, 2015 10:59 AM
Subject: Relayed: LMP STATUS REPORT - DUE TODAY OR TOMORROW & LEGAL RESEARCH

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

David Valencik (dvalencik@c-vlaw.com)

Subject: LMP STATUS REPORT - DUE TODAY OR TOMORROW & LEGAL RESEARCH

Deborah Miskovich

From: Microsoft Outlook
To: DCALAIARO@C-VLAW.COM; David Valencik
Sent: Monday, November 9, 2015 10:59 AM
Subject: Relayed: LMP STATUS REPORT - DUE TODAY OR TOMORROW & LEGAL RESEARCH

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

David Valencik (dvalencik@c-vlaw.com)

Subject: LMP STATUS REPORT - DUE TODAY OR TOMORROW & LEGAL RESEARCH

Deborah Miskovich

From: David Valencik <dvalencik@c-vlaw.com>
To: Deborah Miskovich
Sent: Monday, November 9, 2015 11:00 AM
Subject: Read: LMP STATUS REPORT - DUE TODAY OR TOMORROW & LEGAL RESEARCH

Your message

To: DCALAIARO@C-VLAW.COM; David Valencik
Subject: LMP STATUS REPORT - DUE TODAY OR TOMORROW & LEGAL RESEARCH
Sent: 11/9/2015 10:59 AM

was read on 11/9/2015 10:59 AM.

DEBORAH S. MISKOVICH
ATTORNEY AT LAW
1466 GREYSTONE DRIVE
PITTSBURGH, PENNSYLVANIA 15206-1158

TELEPHONE: (412) 921-1900

FACSIMILE: (412) 921-5179

October 2, 2020

VIA FACSIMILE, ELECTRONIC MAIL
AND FIRST-CLASS U.S. MAIL

Donald R. Calaiaro, Esquire
David C. Valencik, Esquire
Calaiaro Valencik
938 Penn Avenue
Pittsburgh, PA 15222

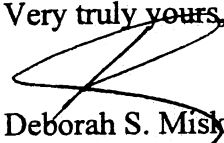
In re: Kathleen Miskovich

Dear Messieurs. Calaiaro and Valencik:

On September 5, 2020, a letter was sent to you via three modes to ensure delivery. As of this date, neither Kathy nor I have received the courtesy of a reply. A copy of said correspondence is enclosed for your easy reference. The issues are time sensitive and require attention. Please advise what it is that you intend to do.

Thank you.

Very truly yours,


Deborah S. Miskovich

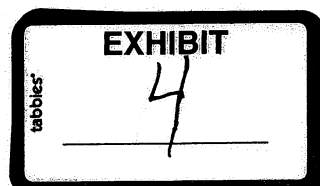
I read the above letter and as always, I authorized same.



Kathleen E. S. Miskovich

Enclosure
DSM/me

cc: Ms. Kathleen Miskovich (w/enclosure)



Deborah Miskovich

From: Mail Delivery System <MAILER-DAEMON@zmcc-3-mta-1.zmailcloud.com>
To: dcalaiaro@c-vlaw.com; dvalencik@c-vlaw.com
Sent: Friday, October 2, 2020 4:13 PM
Subject: Relayed: KATHLEEN MISKOVICH

This is the mail system at host zmcc-3-mta-1.zmailcloud.com.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<dcalaiaro@c-vlaw.com>: delivery via
zmcc-3-mailbox-1.zmailcloud.com[104.154.111.8]:7025: 250 2.1.5 Delivery OK

<dvalencik@c-vlaw.com>: delivery via
zmcc-3-mailbox-1.zmailcloud.com[104.154.111.8]:7025: 250 2.1.5 Delivery OK

Deborah Miskovich

From: Donald Calaiaro <dcalaiaro@c-vlaw.com>
To: Deborah Miskovich
Sent: Friday, October 2, 2020 4:14 PM
Subject: Read: Read-Receipt: KATHLEEN MISKOVICH

The message sent on October 2, 2020 8:12:48 PM GMT-00:00 to dcalaiaro@c-vlaw.com with subject "KATHLEEN MISKOVICH" has been displayed. This is no guarantee that the message has been read or understood.

Deborah Miskovich

From: Deborah Miskovich
Sent: Wednesday, October 14, 2015 11:51 AM
To: 'David Valencik'; 'DCALAIARO@C-VLAW.COM'
Cc: 'Stephanie Simmons'
Subject: FW: Scan from a Xerox Phaser MFP
Attachments: Scan 001.pdf

DAVID:

THANK YOU FOR A COPY OF THE BANK LETTER. I AM RATHER PUT OFF THAT THE LETTER IS DATED SEPTEMBER 30, 2015, AND I FIRST LEARNED OF THIS YESTERDAY WHEN YOU SAID IT IS DUE TODAY.

I AM LIKEWISE CONCERNED THAT WHEN WE SPOKE YESTERDAY YOU STATED THAT YOU DID NOT BELIEVE THERE WERE ANY GROUNDS TO APPEAL. I ASKED YOU TO READ ME THE PERTINENT PART OF THE DENIAL LETTER AND ONE OF THE REASONS FOR DITECH TO ISSUE A DENIAL WAS BASED UPON KATHY'S INCOME AND HOME VALUE RATIO. WHEN YOU SAID THAT KATHY'S HOME WAS VALUED BY THE BANK AT \$445,000, I STATED THAT I THOUGHT IT WAS BETWEEN \$200,000 AND \$250,000. YOU SAID THAT YOU THOUGHT I WAS WRONG, BUT UPON CHECKING THE FILE YOU ACKNOWLEDGED THAT THE PETITION WHICH YOU FILED ON HER BEHALF VALUED THE HOME AT \$220,000. I AM NOT SUGGESTING THAT YOU SHOULD HAVE HAD COMITTED TO MEMORY THAT THE VALUE WAS SIGNIFICANTLY LOWER THAN THEIR ESTIMATE, BUT I AM UPSET THAT YOU SUMMARILY ACCEPTED THEIR VALUATION AND DID NOT EVEN CHECK YOUR FILE UNTIL I ASKED THAT YOU DO SO. THIS MATTER IS CRITICAL TO KATHY AND I EXPECT THAT YOU GIVE THE FILE SOME ATTENTION AND NOT THE REPEATED LAST MINUTE CURSORY REVIEWS.

REGARDLESS, I ALSO CHECKED THE ALLEGHENY WEBSITE TODAY AND THE HOME AND LAND ARE VALUED AT \$248,200 A COPY OF THE ASSESSMENT IS ATTACHED HERERTO.

I ASK THAT YOU CONSIDER FILING AN APPEAL ON FOUR GROUNDS FOR THE FOLLOWING REASONS:

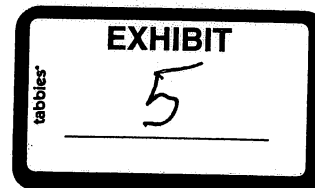
I FNMA HOME AFFORDABLE NODIFICATION PROGRAM ELIGIBILITY - APPEAL

(A) THEY HAVE IMPROPERLY STATED KATHY'S GROSS MONTHLY INCOME. THEY FOUND THAT HER GROSS MONTHLY INCOME IS \$4,991,57. YOU WROTE THAT YOU HAD CHECKED THE FILE AND THAT HER GROSS INCOME IS \$4,607 A DIFFERENCE OF NEALRY \$400. PER MONTH.

(B) THEY HAVE IMPROPERLY STATED KATHY'S HOME VALUE. THEY VALUE IT AT \$445,000. KATHY'S PETITIOON VALUES IT AT \$220,000 AND THE ALLEGHENY COUNTY WEBSITE VALUED IT AT \$248,000

2. FNMA MOD 24 - APPEAL

(A) I WOULD CHALLENGE THE UNPAID PRINCIPAL BALANCE ON THE MORTGAGE. ALL OF THEIR DEALINGS WITH KATHY FOR THE PAST TWO YEARS THEY HAVE TAKEN OVER HER



MORTGAGE IDENTIFY A PATTERN OF ERRORS; SO IT SHOULD NOT BE ASSUMED THAT THE MORTGAGE BALANCE IS CORRECT. A AGAIN, THEY HAVE MISCALCULATED THE FAIR MARKET VALUE OF THE PROPERTY --THEIR ESTIMATE \$445,705; KATHY'S ESTIMATE \$220,000 AND THE ALLEGHENY COUNTY ASSESSMENT \$248,200

(B) THEY AGAIN LIST AS A REASON FOR THE DENIAL THAT THEY PLACE A MARKET VALUE ON THE PROPERTY OF \$445,000 WHEN KATHY'S ESTIMATE IS \$220,000 AND THE COUNTY'S ESTIMATE IS \$248,200.

(C) I WOULD ALSO CHALLENGE THEIR HOUSING EXPENSE CALCULATIONS AS WELL AS THEIR COMPARISON OF THE MONTHLY HOUSE CALCULATIONS TO THEIR ERRONEOUS MONTHLY GROSS INCOME --\$4,991.57

3. FNMA CAP & EXTEND MODIFICATION - APPEAL

THEY JUSTIFY A DENIAL THAT THE HARDSHIP IS NOT TEMPORARY OR HAS NOT BEEN RESOLVED. AS DISCUSSED WITH YOU YESTERDAY, KATHY IS IN THE PROCESS OF LOOKING FOR AN ADDITIONAL POSITION TO SUPPLEMENT HER INCOME. UNLIKE THE PAST FEW YEARS DURING HER HUSBAND'S ILLNESS AND CONSTANT HOSPITALIZATION, KATHY WAS UNABLE TO COMMIT TO ADDITIONAL EMPLOYMENT THEREBY SACRIFICING THE HEALTH CARE NEEDS OF HER HUSBAND AND ATTENDING TO HER MINOR CHILD.

4. FNMA STANDARD MODIFICATION - APPEAL

(A) THEY AGAIN LIST AS A REASON FOR THE DENIAL THAT THEY PLACE A MARKET VALUE ON THE PROPERTY OF \$445,000 WHEN KATHY'S ESTIMATE IS \$220,000 AND THE COUNTY'S ESTIMATE IS \$248,200.

(B) I WOULD ALSO CHALLENGE THEIR HOUSING EXPENSE CALCULATIONS AS WELL AS THEIR COMPARISON OF THE MONTHLY HOUSE CALCULATIONS TO THEIR ERRONEOUS MONTHLY GROSS INCOME --\$4,991.57

FINALLY, UNDER EACH OF THE FOUR (4) APPEALS TO FILE, PLEASE INCLUDE THAT THE PETITIONER CHALLENGES THEIR COMPLIANCE WITH THE FEDERALLY REGULATED BANKING PRACTICES; THEY HAVE ENGAGED IN A PRACTICE OF FRAUDULANT PRACTICES AND HAVE FAILED TO COMPLY WITH THE PAYMENT OF HER TAXES IN A TIMELY MANNER AND REFUSAL TO ACCEPT PAYMENT SO AS TO PLACE HER IN DEFAULT.

AS I STATED TO YOU YESTERDAY, I AM SCHEDULED FOR A HEARING THIS AFTERNOON IN WESTMORELAND COUNTY, SO I WILL BE LEAVING MY OFFICE AROUND 12:30 P.M.

PLEASE FORWARD ME A COPY OF YOUR APPEAL.

FOR ALL FUTURE MATTERS, AS I HAVE RESPECTFULLY REQUESTED OF YOU BEFORE, PLEASE PROVIDE ME WITH REASONABLE NOTICE. PERHAPS YOU COULD TELL ME WHAT KATHY IS EXPECTED TO OBTAIN OR PREPARE AND THE DUE DATES AS WELL AS LET ME KNOW WHAT THE NEXT STEPS ARE IN HER CASE.

THANK YOU.

DEBORAH S. MISKOVICH, ESQUIRE
900 PARISH STREET
THIRD FLOOR
PITTSBURGH, PA 15220

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-----Original Message-----

From: lawcopier@rendamedia.com [<mailto:lawcopier@rendamedia.com>]
Sent: Wednesday, October 14, 2015 12:09 PM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: Scan from a Xerox Phaser MFP

Please open the attached document. It was scanned and sent to you using a Xerox Phaser MFP. For more information on Xerox products and solutions, please visit <http://www.xerox.com>.

Deborah Miskovich

From: Microsoft Outlook
To: David Valencik; DCALAIARO@C-VLAW.COM; Stephanie Simmons
Sent: Wednesday, October 14, 2015 11:51 AM
Subject: Relayed: FW: Scan from a Xerox Phaser MFP

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

David Valencik (dvalencik@c-vlaw.com)

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Stephanie Simmons (ssimmons@c-vlaw.com)

Subject: FW: Scan from a Xerox Phaser MFP

Deborah Miskovich

From: Deborah Miskovich
Sent: Monday, October 26, 2015 11:20 AM
To: 'David Valencik'
Cc: DCALAIARO@C-VLAW.COM
Subject: RE: CORRESPONDENCE FROM DITECH / MY LETTER TO YOU ALL DATED YESTERDAY

DAVID:

I JUST VIEWED THIS E-MAIL. I DO NOT NECESSARILY AGREE AND WOULD APPRECIATE THE OPPORTUNITY TO SPEAK WITH YOU AND/OR DON. WHAT IS OUR TIME FRAME TO APPEAL OR OBJECT TO THEIR DENIAL?

IF WE HAVE TO FILE AN APPEAL PRIOR TO A FINAL REPORT BEING SUBMITTED, THEN WITHOUT KNOWING MORE, I WOULD SUGGEST THAT WE DO SO, I CAN COME INTO YOUR OFFICES ON THURSDAY AFTERNOON. I HAVE TO SERVE ON ARBITRATION ON THURSDAY, BUT I CAN CALL YOU AND DON AS SOON AS I GET OUT. PERHAPS WE CAN MEET FOR LUNCH.

THANK YOU.

From: David Valencik [mailto:dvalencik@c-vlaw.com]
Sent: Friday, October 23, 2015 7:30 PM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Cc: DCALAIARO@C-VLAW.COM
Subject: Re: CORRESPONDENCE FROM DITECH / MY LETTER TO YOU ALL DATED YESTERDAY

Deborah,

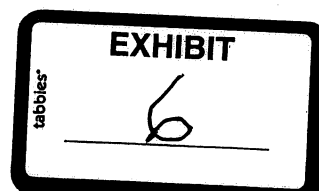
I discussed this with Don, we don't see any basis to say it's a bad faith denial.

Challenging this would be costly litigation for Kathleen with no real prediction of success. Would you want her to incur this expense and pay these bills without more than we have right now?

The letters to Albert may be a technical violation of the automatic stay. The first measure should be a letter advising them that he is dead and asking them to stop.

I will look into the deadlines when I'm in the office on Monday. I know that there is status report due for the loss mitigation program and I need to do a final report if we are not going to take any further action.

David Valencik, Esq.
CALAIARO VALENCIK
428 Forbes Avenue, Suite 900
Pittsburgh, PA 15219
(412) 232-0930 Ext. 202
(412) 232-3858 FAX
dvalencik@c-vlaw.com



On Oct 23, 2015, at 3:33 PM, Deborah Miskovich <DMiskovich@rendabroadcasting.com> wrote:

ATTACHED PLEASE FIND A COPY OF TWO SEPARATE LETTERS WHICH KATHY RECEIVED FROM DITECH LAST MONTH AND THIS MONTH RESPECTIVELY.

WHY ARE THEY STILL COMMUNICATING WITH HER AND WHY DO THEY CHOOSE TO WRITIE TO HER DECEASED HUSBAND ONLY?

AS SOON AS POSSIBLE I WOULD APPRECIATE A RESPONSE TO MY LETTER TO YOU DATED YESTERDAY.

ARE THERE ANY DEADLINES FOR ANYTHING WITHIN THE NEXT TWO MONTHS?

WHAT IS THE NEXT STEP?

THANK YOU.

DEBORAH S. MISKOVICH, ESQUIRE
900 PARISH STREET
THIRD FLOOR
PITTSBURGH, PA 15220

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-----Original Message-----

From: lawcopier@rendamedia.com [<mailto:lawcopier@rendamedia.com>]

Sent: Friday, October 23, 2015 4:25 PM

To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>

Subject: Scan from a Xerox Phaser MFP

Please open the attached document. It was scanned and sent to you using a Xerox Phaser MFP. For more information on Xerox products and solutions, please visit <http://www.xerox.com>.

<Scan 001.pdf>

Deborah Miskovich

From: Microsoft Outlook
To: David Valencik; DCALAIARO@C-VLAW.COM
Sent: Monday, October 26, 2015 11:20 AM
Subject: Relayed: RE: CORRESPONDENCE FROM DITECH / MY LETTER TO YOU ALL DATED YESTERDAY

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

David Valencik (dvalencik@c-vlaw.com)

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Subject: RE: CORRESPONDENCE FROM DITECH / MY LETTER TO YOU ALL DATED YESTERDAY

Deborah Miskovich

From: Donald Calaiaro <dcalaiaro@c-vlaw.com>
To: Deborah Miskovich
Sent: Monday, October 26, 2015 11:29 AM
Subject: Read: Read-Receipt: RE: CORRESPONDENCE FROM DITECH / MY LETTER TO YOU ALL DATED YESTERDAY

The message sent on October 26, 2015 3:20:15 PM GMT-00:00 to dcalaiaro@c-vlaw.com with subject "RE: CORRESPONDENCE FROM DITECH / MY LETTER TO YOU ALL DATED YESTERDAY" has been displayed. This is no guarantee that the message has been read or understood.

DEBORAH S. MISKOVICH
ATTORNEY AT LAW
900 PARISH STREET
THIRD FLOOR
PITTSBURGH, PENNSYLVANIA 15220-3407

FILE COPY

TELEPHONE: (412) 921-1900

FACSIMILE: (412) 921-5179

March 29, 2016

**VIA ELECTRONIC MAIL AND
FIRST CLASS U.S. MAIL**

Donald R. Calaiaro, Esquire
Calaiaro Valencik
428 Forbes Avenue
Suite 900
Pittsburgh, PA 15219

In re: Kathleen Miskovich
Bankruptcy No: 15-22497-GLT
Chapter 13

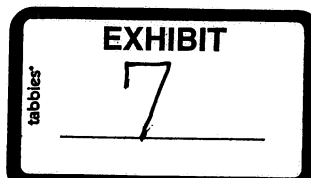
Dear Mr. Calaiaro:

On March 17, 2016, Kathy, David, you and I met for the purpose of discussing DITECH having approved Kathy to enter into the Home Affordability Modification Program. Pursuant to the terms of the approval letter dated February 24, 2016, Kathy is required to make monthly payments in the amount of \$1,547.39.

As a precatory matter, Kathy desperately wants to keep her home and advised you of that fact. She was accepting the modification.

My concerns were and are twofold: first that Kathy has a finite amount of income and secondly, that according to DITECH, and the findings made by its representative broker, Kathy's home is valued at no more than \$208,900, yet the outstanding mortgage is \$319,944.72 (an unpaid principal of \$255,708.20 plus \$64,236.47). I specifically asked why the amount of the mortgage could not be reduced to at a maximum --the value which DITECH set the property, or \$208,900. You stated that you would personally make the telephone call to the attorney representing DITECH the following day and inquire whether it was possible. I heard nothing from your offices to date.

I understand that on March 22, 2016, David telephoned Kathy and stated to her that he had spoken with the DITECH attorney that morning and that she had told him that Kathy had to accept the offer as it was; that there was no guarantee that they would reduce the amount; Kathy had no choice but to accept. David then told Kathy that she was to increase the amount of her two (2) monthly payments by \$24.00 each payment for a total payment in the amount of \$1,174.00 twice a month. Kathy said that David placed her on hold while he performed the calculations. In accordance



Donald R. Calaiaro, Esquire
March 29, 2016
Page 2 of 3

with David's instructions, attached please find a copy of the cover letter to the Trustee, the cashier's check, and proof of mailing. The first payment this month was for \$1,150.00 and copies were provided to you. Kathy's new monthly payment of \$1,174.00 shall again be made in the middle and at the end of each month for said amount hereafter.

Throughout this process, I have had to address Court requirements which were not attended to until the due date and have followed through with every last minute demand made of me. I have had to call you when I was unable to receive the courtesy of a return call from David --except for those times when I was given only hours to complete something which was left by David to the last minute; all of which I have been willing to do to assist Kathy. I am not however, pleased with the fact that you --whom I have such a high level of confidence with, did not make the call as you promised you would. I fully recognize that David as your partner enjoys your respect, but it was you whom I referred Kathy to and as a result of my not being able to have a meaningful discussion with David regarding my second concern, I asked to meet with you. It was not my request to have a joint meeting; I certainly did not appreciate sitting in your waiting room for an extra half hour while listening to David make his follow-up calls with other clients, and I do not appreciate the fact that whenever David has wanted something done at the last minute, he called me, but he did not see fit to call me or e-mail me last week. I fully understand that Kathy is the client and ultimately the decision is hers, but I have not forgotten the fact that David and you did not want to file the initial appeal and that it was only as a result of my stating that I would do it for her that it was done. Further, that when DITECH did approve the modification, David credited himself with the win.

David may take all of the bows, however, I have noted well the pattern of avoiding any route that requires work. Kathy has accepted their ultimatum, but it does not appear to reflect the fairness, albeit justice which she is entitled to. I am well aware that you are an expert in this field and that I have no bankruptcy expertise whatsoever, but if it is a matter of work, if you direct me, I am pleased to do the work as well as any Court presentations.

You and I have been practicing for more than 35 years, and while many attorneys may well be our match in our respective fields of practice, it is experience coupled with the intellectual component which yields the best results. I respectfully asked that you make the call which you had indicated you would make and if it provides her with nothing more, please tell me what more we can do for her. Please do not suggest that she lose her home; she has made it clear to you and David that she does not want that to happen. You indicated that the Trustee takes four (4%) percent and David stated that there is no alternative to reducing the car payment. If all of that is true then the remaining payment of \$250.00 a month to your firm must be adjusted.

As a final note, Kathy indicated that she asked David about the real estate taxes and insurance and asked when that additional payment was to be incorporated. David said that would get back to her; he has not done so. Kathy told him that taxes were due on the 31st of this month.

Donald R. Calaiaro, Esquire

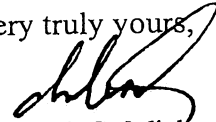
March 29, 2016

Page 3 of 3

Please confirm that the payment directed by David in the amount of \$1,174. Twice a month is correct. Please also confirm that Kathy is not required to do anything further regarding the real estate taxes and insurance pending the completion of the trial period. As a final note, please advise of your discussion with the DITECH attorney.

Thank you.

Very truly yours,



Deborah S. Miskovich

Enclosures

DSM/me

cc: Ms. Kathleen Miskovich (w/enclosures)

FILE COPY

KATHLEEN E.S. MISKOVICH
1219 APPLEWOOD DRIVE
GIBSONIA, PA 15244

December 1, 2017

**VIA ELECTRONIC MAIL AND
FIRST CLASS U.S. MAIL**

Donald R. Calaiaro, Esquire
Calaiaro Valencik
428 Forbes Avenue
Suite 900
Pittsburgh, PA 15219

In re: Kathleen Miskovich
Bankruptcy No: 15-22497-GLT
Chapter 13

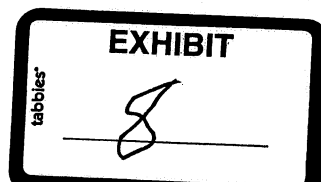
Dear Mr. Calaiaro:

On November 27, 2107, I asked my sister Deborah to send you and David two (2) e-mails regarding the two pleadings which I had received from your office on November 28, 2017: a Notice of Hearing and Response Deadline regarding Motion of Kathleen Miskovich for Debtor's Objection to the Notice of Mortgage Payment Change dated October 27, 2017, and the Debtor's Objection to the Notice of Mortgage Payment Change Dated October 27, 2017. Neither Deborah nor I have received the courtesy of a telephone call or response e-mail. A copy of both e-mails is enclosed herein for ease of reference.

As a precatory matter, you have had authorization from the date I first met with you to communicate with Deborah and that she has my authorization to communicate with you as well on my behalf.

Secondly, I telephoned your offices on four occasions, left messages for you and David and never once received one return call. I am concerned that the insurance company continues to direct letters to me and to my deceased husband. Please take whatever steps are necessary to have this remedied. If you require another copy of the death certificate, please advise.

With this new issue to address, it is crucial that you not ignore my calls or written communications. Likewise, I do not understand the continual delay in your office providing



Donald R. Calaiaro, Esquire
December 1, 2017
Page 2 of 2

me with pleadings or communications regarding my case as well as periodically not providing me with same at all. I expect to receive all pleadings and communications regarding my case. The fact that you were served with a pleading and then filed a response without ever notifying me is unacceptable.

As written by Deborah, there continues to be a pattern of the mortgage company engaging in practices which harm me in the bankruptcy action. Via Deborah and her e-mails to you, I asked whether I should be present on December 20, 2107. Please advise.

Again via Deborah, I advised that the mortgage company has incurred interest and penalties to my account as a result of not paying the taxes when first due. Further, I had to pay the taxes when Ditech Financial and Green Tree Servicing failed to pay.

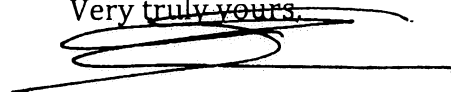
Yet again, via Deborah's e-mails, I pointed out to you and David that I had neither been late nor missed one payment to the Trustee and asked how I could obtain a copy of my payment record with the Court. No response.

So there is no excuse for not responding, Deborah had and continues to have my unconditional authority to communicate with you and David on my behalf and I expect her to receive the professional courtesy of a response from your offices.

As a final note, you had originally instructed me to send communications to both you and David. Inasmuch as neither of you are being responsive, is this necessary? Please advise.

Thank you.

~~Very truly yours,~~



Kathleen E. S. Miskovich

Enclosures

KESM/me

cc: Deborah S. Miskovich (via electronic mail)
David Valencik, Esquire (w/enclosures)

DEBORAH S. MISKOVICH
ATTORNEY AT LAW
900 PARISH STREET
THIRD FLOOR
PITTSBURGH, PENNSYLVANIA 15220-3407

TELEPHONE: (412) 921-1900

FACSIMILE: (412) 921-5179

December 3, 2018

**VIA FACSIMILE, ELECTRONIC MAIL
AND FIRST CLASS U.S. MAIL**

Donald R. Calaiaro, Esquire
David C. Valencik, Esquire
Calaiaro Valencik
428 Forbes Avenue
Suite 900
Pittsburgh, PA 15219

In re: Kathleen Miskovich

Dear Messieurs Calaiaro and Valencik:

As discussed with David on November 14, 2018, Kathy received a notice from Ditech stating that they unilaterally determined that they were increasing her monthly payment. You will recall that they attempted to do this previously and when challenged, they took no further action through the Court. Now they are attempting to do so without Court approval.

I have received the tax bills which apply to her escrow account and it determined that when reviewing the complete escrow account --Homeowner's insurance, the County, local and school taxes, there has been only a total increase of \$234.00 per year.

Inasmuch as Kathy is required to make semi-monthly payments, her monthly payments would increase a maximum of \$9.75 each payment, HOWEVER for two and one-half years, Kathy made two additional payments per year of \$1,175.00 for a total of five additional payments totaling \$5,850.00 which results in a credit on her account of \$5,850.00. Accordingly, her semi-monthly payments should decrease – not increase.

The aforementioned does not even address the failure of Ditech to pay \$564.72 for the 2015 School taxes which they were required to pay and failed to do so. Kathy paid them directly and incurred penalty as a result thereof.

The following is an itemization of the insurance and taxes and copies of same are attached hereto:



Donald R. Calaiaro, Esquire
David C. Valencik, Esquire
December 3, 2018
Page 2 of 3

I. HOMEOWNER'S INSURANCE

<u>TAX YEAR</u>	<u>AMOUNT</u>	<u>CHANGE</u>	<u>EXHIBIT</u>
2015- 2016	\$1099.00		A
2016 - 2017	\$1136.00	\$37.00	B
2017 - 2018	\$1165.00	(\$29.00)	C
2018 - 2019	\$1333.00	\$168.00	D

From 2015, the initial date of the bankruptcy, through the end of next year -2019, there has been an overall increase of \$234.00.

II. REALESTATE TAX - COUNTY

<u>TAX YEAR</u>	<u>LOT</u>	<u>AMOUNT</u>	<u>CHANGE</u>	<u>EXHIBIT</u>
2016	Lot1506-202	\$136.28		E
	Lot1506-209	\$1150.51		F
2017	Lot1506-202	\$136.28		G
	Lot1506-209	\$1150.51		H
2018	Lot1506-202	\$136.28		I
	Lot1506-209	\$1150.51		J

No increase

III. REALESTATE TAX - SCHOOL

2017	Lot1506-202	\$564.33	K
	Lot1506-209	\$4947.02	L
2018	Lot1506-202	\$564.33	M
	Lot1506-209	\$4948.37	N

Lot 202-No increase
Lot 209-Increase \$1.35

Donald R. Calaiaro, Esquire
David C. Valencik, Esquire
December 3, 2018
Page 3 of 3

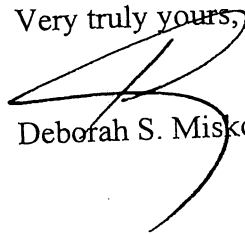
IV. REALESTATE TAX - LOCAL

2016	Lot1506-202	\$67.03	O
	Lot1506-209	\$606.94	P
2017	Lot1506-202	\$65.60	Q
	Lot1506-209	\$593.90	R
2018	Lot1506-202	\$65.21	S
	Lot1506-209	\$590.43	T

Lot 202-Decrease (\$1.82)
Lot 209-ADecrease (\$16.51)

Thank you.

Very truly yours,


Deborah S. Miskovich

Enclosures

DSM/me

cc: Ms. Kathleen Miskovich (w/enclosures)

DEBORAH S. MISKOVICH
ATTORNEY AT LAW
1466 GREYSTONE DRIVE
PITTSBURGH, PENNSYLVANIA 15206-1158

TELEPHONE: (412) 921-1900

FACSIMILE: (412) 921-5179

September 5, 2020

VIA FACSIMILE, ELECTRONIC MAIL
AND FIRST-CLASS U.S. MAIL

Donald R. Calaiaro, Esquire
David C. Valencik, Esquire
Calaiaro Valencik
938 Penn Avenue
Pittsburgh, PA 15222

In re: Kathleen Miskovich

Dear Messieurs. Calaiaro and Valencik:

For you to suggest that Kathy is responsible for correcting your error is both unprofessional and offensive. You have been paid \$5,000 and the additional work which has been done was prepared by my office, not yours. You merely had to insert it into the format for your practice.

If in fact creditors were paid who did not have the right to be paid, the error is yours –not Kathy's and needs to be corrected.

Kathy asked Mark of your office to send her the document which he referred to which contains language that the vehicle has been paid off as well as the document showing the amount to be paid to Shellpoint. I requested that it simply be faxed to me so that I could give it to Kathy. Nothing has been forthcoming.

First, please fax whatever documents you received immediately. For an attorney to receive information from the Court or a third party and refuse to provide it to the client is wrong.

Secondly, on August 31, 2020, Kathy received documents from the Court enclosing a Chapter 13 Trustee's Motion for Discharge of Debtor and Approval of Trustee's Report of Receipts and Disbursements and an Order Setting Status Conference for October 28, 2020, via a telephone conference, which states, among other things, that you are to explain why Kathy did not file the required Certification(s). The issues are as follows: The Trustee's report documents payments made to third parties who may not be entitled to payments. You have yet to explain the error. As for your failure to file the "Certification(s)", neither Kathy nor I know what is being referred to. You have not provided her with any such document asking for a signature. Attached please find a copy of

EXHIBIT

tabbles

10

Donald R. Calaiaro, Esquire
David C. Valencik, Esquire
September 5, 2020
Page 2 of 2

same.

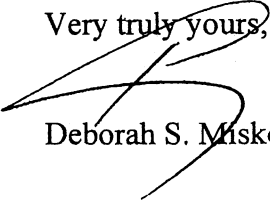
Third, the payments for Shellpoint are problematic. As stated hereinabove, on August 27, 2020, Kathy had received a telephone call from Mark of your office. He stated that her new payment to Shellpoint would be \$1,597.17 each month. Again, Kathy asked that he send the document to her, but nothing has been forthcoming. Kathy called Shellpoint to make a payment, but the computerized system would only permit her to pay the amount which the system claimed was due --\$1,185.62. She made the payment in that amount via their computerized system, and then sent a check in the amount \$411.55 to make up the difference from what Shellpoint computer system said what was owed and what Mark said was owed.

In the mail on September 2, 2020, Kathy received a statement from Shellpoint showing that nothing was due, (it is curious that she received a statement with a due date the following day). It appears that either Shellpoint's system is error or Shellpoint is attempting to cause Kathy to default. Regardless the problems need to be resolved.

Please address the issues herein.

Thank you.

Very truly yours,


Deborah S. Miskovich

I read the above letter and as always, I authorized same.



Kathleen E. S. Miskovich

Enclosures
DSM/me

cc: Ms. Kathleen Miskovich (w/enclosures)

Deborah Miskovich

From: Deborah Miskovich
Sent: Monday, August 17, 2015 11:18 AM
To: 'DCALAIARO@C-VLAW.COM'
Cc: 'Stephanie Simmons'; 'dvalencik@c-vlaw.com'
Subject: TRUSTEE PAYMENT AND QUESTION
Attachments: Scan 001.pdf

ATTACHED PLEASE FIND A COPY OF MY LETTER TO THE TRUSTEE ALONG WITH A COPY OF THE MONEY ORDER FOR \$1,150 AS PER YOUR INSTRUCTION. I TOOK IT TO THE POST OFFICE ON FRIDAY.

KATHY IS RATHER CONCERNED THAT THE VEHICLE THAT SHE PURCHASED AND FOR WHICH SHE IS TO MAKE MONTHLY PAYMENTS IS BEING HANDLED. THIS DEBT ALONG WITH HER HOUSE PAYMENT ARE BEING AFFIRMED BY HER. THE VEHICLE PAYMENT WAS DUE ON FRIDAY, HOWEVER, AS PER YOUR INSTRUCTIONS, SHE DID NOT MAKE A PAYMENT. PLEASE CONFIRM THAT SHE IS NOT IN JEAPORDY OF A DEFAULT.

AS A SEPARATE BUT RELATED MATTER, I JUST RECEIVED A COPY OF YOUR MOTION TO EXTEND THE TIME TO ENTER THE LOSS MITIGATION PROGRAM WHICH WAS MAILED BY YOU ON FRIDAY AND RECEIVED BY ME THIS MORNING. AS YOU KNOW, NEITHER KATHY NOR I KNEW THAT YOU NEEDED TO MEET WITH HER. IT NOW APPEARS THAT YOU NEED TO MEET WITH KATHY THIS WEEK. I KNOW THAT SHE IS IN COURT THIS WEEK, HOWEVER, SHE CAN COME TO YOUR OFFICE DURING THE LUNCH BREAK OR AFTER COURT, WHICH EVER SUITS YOU BOTH BEST. PERHAPS WE COULD WORK OUT A DATE WHEN WE MEET THIS AFTERNOON. KATHY SUGGESTS WEDNESDAY OR THURSDAY AT SOME TIME WHEN SHE GETS OUT OF COURT WHICH SHOULD BE IN THE EARLY AFTERNOON. IF ACCEPTABLE TO YOU, SHE WILL CALL YOUR OFFICE AS SOON AS SHE GETS OUT OF COURT.

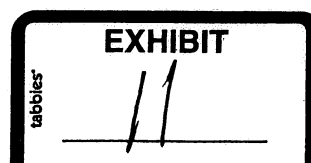
IF THERE IS ANYTHING ELSE WHICH YOU WANT ME TO HAVE KATHY PREPARE, PLEASE ADVISE IN WRITING. I WILL BE OUT OF TOWN FROM THIS THURSDAY THROUGH NEXT WEDNESDAY --AUGUST 20 - 27. I WILL BE BACK IN THE OFFICE ON THE 27TH. YOU CAN ALSO REACH ME VIA MY CELLULAR TELEPHONE AT 412-874-6400 WHILE I AM AWAY.

THANK YOU

DEBORAH S. MISKOVICH, ESQUIRE

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-----Original Message-----



From: pghcopier@rendabroadcasting.com [mailto:pghcopier@rendabroadcasting.com]
Sent: Monday, August 17, 2015 10:59 AM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: Scan from a Xerox Phaser MFP

Please open the attached document. It was scanned and sent to you using a Xerox Phaser MFP. For more information on Xerox products and solutions, please visit <http://www.xerox.com>.

Deborah Miskovich

From: Microsoft Outlook
To: DCALAIARO@C-VLAW.COM; Stephanie Simmons; dvalencik@c-vlaw.com
Sent: Monday, August 17, 2015 11:19 AM
Subject: Relayed: TRUSTEE PAYMENT AND QUESTION

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Stephanie Simmons (ssimmons@c-vlaw.com)

dvalencik@c-vlaw.com (dvalencik@c-vlaw.com)

Subject: TRUSTEE PAYMENT AND QUESTION

Deborah Miskovich

From: Deborah Miskovich
Sent: Wednesday, September 16, 2015 1:46 PM
To: 'DCALAIARO@C-VLAW.COM'; 'dvalencik@c-vlaw.com'
Cc: 'kmosur@c-vlaw.com'
Subject: BORROWERS AUTHORIZATION LETTER
Attachments: Scan 001.pdf

ATTACHED PLEASE FIND THE EXECUTED BORROWER'S AUTHORIZATION LETTER. THE ORIGINAL SHALL BE MAILED TO YOUR OFFICES THIS DAY.

AS DISCUSSED WITH YOU, I RECEIVED A TELEPHONE CALL FROM MS. MOSUR AT 1:00 P.M. THIS AFTERNOON AND WAS TOLD THAT DAVID HAD INSTRUCTED HER TO CALL KATHY --THEN ME, AND HAVE THIS DOCUMENT SIGNED AND SUBMITTED THIS DAY. I DO NOT ACCEPT THAT THE NEED FOR SUBMISSION OF THIS DOCUMENT JUST OCCURRED THIS AFTERNOON. I AM SENSITIVE TO TIME CONSTRAINTS, BUT I CANNOT CONTINUE TO BE REQUIRED TO STOP MY WORK TO ACCOMMODATE OTHERS ON A REGULAR BASIS. I SHALL CONTINUE TO ASSIST KATHY BUT I EXPECT REASONABLE TIME TO DO WHAT YOUR OFFICE MAY REQUIRE. ARE THERE ANY OTHER DOCUMENTS REQUIRED TO BE SIGNED BY KATHY OR DOCUMENTS WHICH YOU NEED FOR HER FILE? IF SO, YOU NEED ONLY INSTRUCT ME AS TO WHAT IS NEEDED AND I SHALL TAKE CARE OF IT.

AS A SEPARATE BUT RELATED MATTER, LAST MONTH DAVID REQUIRED SOMETHING OF KATHY YET I WAS NOT NOTIFIED OF IT BY HIM. PLEASE ADVISE DAVID OF OUR AGREEMENT THAT ANYTHING THAT IS REQUIRED OF KATHY IS TO BE SENT TO ME; IF FOR SOME REASON YOU DO NOT RECEIVE CONFIRMATION FROM ME WITHIN 48 BUSINESS HOURS, THEN CERTAINLY, CALL KATHY --THAT SIMPLY MEANS THAT I AM ILL OR AWAY. I BELIEVE THAT THE PROCESS WILL MOVE SMOOTHER IF EVERYONE IS ON BOARD.

A FINAL NOTE, WHEN THE ISSUE OF LAST MONTH AROSE, I WAS OUT OF STATE. DAVID HAD NOT SENT ME ANY COMMUNICATION. KATHY CALLED AND ASKED ME TO EXPLAIN WHAT WAS NEEDED OF HER. I TELEPHONED DAVID AND NEVER RECEIVED THE COURTESY OF A RETURN CALL. WHEN I FOLLOWED UP WITH 2 MORE CALLS, DAVID FINALLY TOOK THE CALL AND SAID THAT HE WAS BUSY. AFTER 35 YEARS OF PRACTICE, I UNDERSTAND THAT WE ALL GET TIED UP ON LAST MINUTE PROBLEMS, BUT WHEN YOUR OFFICE CREATES THE PROBLEM AND THE CLIENT IS FOLLOWING UP ON A ISSUE LEFT UNATTENDED, I DO NOT CONSIDER IT UNREASONABLE TO EXPECT A RETURN CALL; MOREOVER, TO A COLLEAGUE.

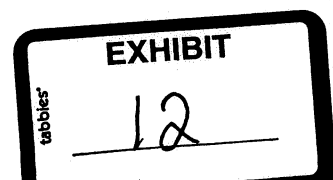
HOPEFULLY, THERE WILL BE NO FURTHER EMERGENCIES. I DO STILL NEED TO CONTINUE OUR CONVERSATION REGARDING THE AMOUNT TO BE DEDUCTED FROM KATHY'S PAYROLL. PLEASE LET ME KNOW WHEN YOU HAVE TIME TO SPEAK, MEET FOR LUNCH OR AT YOUR OFFICE.

THANK YOU AGAIN.

DEBORAH

-----Original Message-----

From: lawcopier@rendamedia.com [mailto:lawcopier@rendamedia.com]



Sent: Wednesday, September 16, 2015 2:20 PM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: Scan from a Xerox Phaser MFP

Please open the attached document. It was scanned and sent to you using a Xerox Phaser MFP. For more information on Xerox products and solutions, please visit <http://www.xerox.com>.

Deborah Miskovich

From: Microsoft Outlook
To: DCALAIARO@C-VLAW.COM; dvalencik@c-vlaw.com; kmosur@c-vlaw.com
Sent: Wednesday, September 16, 2015 1:47 PM
Subject: Relayed: BORROWERS AUTHORIZATION LETTER

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

dvalencik@c-vlaw.com (dvalencik@c-vlaw.com)

kmosur@c-vlaw.com (kmosur@c-vlaw.com)

Subject: BORROWERS AUTHORIZATION LETTER

Deborah Miskovich

From: Kristy Mosur <kmosur@c-vlaw.com>
To: Deborah Miskovich
Sent: Wednesday, September 16, 2015 1:49 PM
Subject: Read: BORROWERS AUTHORIZATION LETTER

Your message

To: DCALAIARO@C-VLAW.COM; dvalencik@c-vlaw.com
Cc: kmosur@c-vlaw.com
Subject: BORROWERS AUTHORIZATION LETTER
Sent: 9/16/2015 1:46 PM

was read on 9/16/2015 1:48 PM.

Deborah Miskovich

From: Kristy Mosur <kmosur@c-vlaw.com>
Sent: Wednesday, September 16, 2015 1:02 PM
To: Deborah Miskovich
Cc: 'Donald Calaiaro'; 'David Valencik'
Subject: Kathleen Miskovich
Attachments: Borrower_Authorization_miskovich.pdf

Deborah,

Attached is a Borrower Authorization Letter that needs signed by Kathleen. Please have a signed copy e-mailed to our office today.

Thank you.

Kristy E. Mosur, Paralegal
CALAIARO | VALENCIK
428 Forbes Avenue, Suite 900
Pittsburgh, PA 15219
(412) 232-0930
(412) 232-3858 FAX
kmosur@c-vlaw.com

EXHIBIT

13

Deborah Miskovich

From: Deborah Miskovich
Sent: Tuesday, October 13, 2015 12:41 PM
To: 'David Valencik'
Cc: 'DCALAIARO@C-VLAW.COM'; 'Stephanie Simmons'
Subject: RE: Loan Modification

David:

I telephoned your office less than a half hour after receiving this and was told that you were out to lunch. I do not understand why we are yet again in a position where Kathy has to respond in one day. I would appreciate a return telephone call today.

Thank you.

DEBORAH S. MISKOVICH, ESQUIRE
900 PARISH STREET
THIRD FLOOR
PITTSBURGH, PA 15220

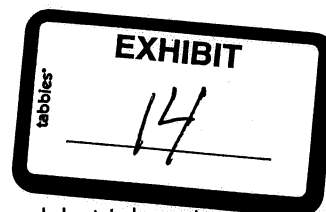
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From: David Valencik [mailto:dvalencik@c-vlaw.com]
Sent: Tuesday, October 13, 2015 12:11 PM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Cc: 'Donald Calaiaro' <dcalaiaro@c-vlaw.com>
Subject: Loan Modification

Deborah,

Your sister was denied a loan modification. There is a process to appeal, but I do not see grounds to appeal. They miscalculated her gross income by approximately \$300 per month. They calculated it at \$4,991.57. Her pay stubs show her gross at \$4,607.6, but other factors such as the value of the home way into the calculation and resulted in the denial of a modification. If we appeal, we need to fax our appeal with our reason for the appeal to the bank tomorrow. I do not see a good reason to appeal, but that is your decision.

Do you want to continue in the Chapter 13 case? The payment would have to be at the current amount for the next 5 years.



David Valencik, Esq.
CALAIARO VALENCIK
428 Forbes Avenue, Suite 900
Pittsburgh, PA 15219
(412) 232-0930 Ext. 202
(412) 232-3858 FAX
dvalencik@c-vlaw.com

Deborah Miskovich

From: Microsoft Outlook
To: David Valencik; DCALAIARO@C-VLAW.COM; Stephanie Simmons
Sent: Tuesday, October 13, 2015 12:41 PM
Subject: Relayed: RE: Loan Modification

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

David Valencik (dvalencik@c-vlaw.com)

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Stephanie Simmons (ssimmons@c-vlaw.com)

Subject: RE: Loan Modification

Deborah Miskovich

From: Deborah Miskovich
Sent: Wednesday, November 11, 2015 9:00 AM
To: 'David Valencik'; DCALAIARO@C-VLAW.COM
Subject: RE: Status Report & CITATIONS

DAVID:

THANK YOU FOR THE STATUS REPORT.

I DO NEED TO ASK THAT YOU OR DON RESPOND TO MY LEAST THREE REQUESTS FOR THE INFORMATION (CASE REFERENCE AND STATUTORY REQUIREMENTS) FOR THE BRIEF WHICH I UNDERSTAND TO BE DUE ON NOVEMBER 24, 2015. I TOLD DON THAT I WOULD TRY TO DO SOME RESEARCH AND NEED TIME TO DO IT INASMUCH AS NEXT WEEK I HAVE 2 TRIALS.

THANK YOU.

DEBORAH S. MISKOVICH, ESQUIRE
900 PARISH STREET
THIRD FLOOR
PITTSBURGH, PA 15220

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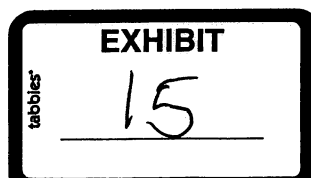
From: David Valencik [mailto:dvalencik@c-vlaw.com]
Sent: Monday, November 9, 2015 7:08 PM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: Status Report

Deborah,

Here is the status report that will be filed with the Court tonight.

Thank you,

David Valencik, Esq.
CALAIARO VALENCIK
428 Forbes Avenue, Suite 900



Pittsburgh, PA 15219
(412) 232-0930 Ext. 202
(412) 232-3858 FAX
dvalencik@c-vlaw.com

Deborah Miskovich

From: Microsoft Outlook
To: David Valencik; DCALAIARO@C-VLAW.COM
Sent: Wednesday, November 11, 2015 9:00 AM
Subject: Relayed: RE: Status Report & CITATIONS

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

David Valencik (dvalencik@c-vlaw.com)

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Subject: RE: Status Report & CITATIONS

Deborah Miskovich

From: Deborah Miskovich
Sent: Thursday, March 3, 2016 9:10 AM
To: 'David Valencik'
Subject: RE: Loan Mod

DAVID:

THE ONLY DOCUMENTS WHICH I RECEIVED WAS THE INCOMPLETE ONE WHICH YOU SENT WHEN YOU FIRST HEARD THAT THEY HAD APPROVED KATHY. AT THAT TIME YOU TOLD ME THAT THE DOCUMENTS WERE FORTHCOMING BUT I HAD NOT RECEIVED ANYTHING OR I WOULD HAVE RESPONDED.

PLEASE FORWARD WHAT IT IS THAT I AM TO REVIEW WITH KATHY.

THANK YOU.

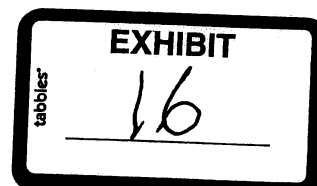
From: David Valencik [mailto:dvalencik@c-vlaw.com]
Sent: Wednesday, March 2, 2016 5:17 PM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: Loan Mod

Deborah,

Did you get my email with the loan modification documents? I sent it last week and I have not heard anything from you.

Please let me know.

David Valencik, Esq.
CALAIARO VALENCIK
428 Forbes Avenue, Suite 900
Pittsburgh, PA 15219
(412) 232-0930 Ext. 202
(412) 232-3858 FAX
dvalencik@c-vlaw.com



Deborah Miskovich

From: Microsoft Outlook
To: David Valencik
Sent: Thursday, March 3, 2016 9:11 AM
Subject: Relayed: RE: Loan Mod

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

David Valencik (dvalencik@c-vlaw.com)

Subject: RE: Loan Mod

Deborah Miskovich

From: Deborah Miskovich
Sent: Monday, December 18, 2017 1:39 PM
To: 'Donald Calaiaro'; David Valencik
Subject: KATHLEEN MISKOVICH
Attachments: Scanned Document001.pdf

PLEASE SEE MY LETTER TO YOU DATED THIS DAY ATTACHED HERETO.

THANK YOU.

DEBORAH S. MISKOVICH, ESQUIRE
900 PARISH STREET
FIRST FLOOR
PITTSBURGH, PA 15220

(412) 921-1900 (TELEPHONE)
(412) 921-5179 (FACSIMILE)
dmiskovich@rendabroadcasting.com (ELECTRONIC MAIL)

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-----Original Message-----

From: lawcopier@rendabroadcasting.com [mailto:lawcopier@rendabroadcasting.com]
Sent: Monday, December 18, 2017 9:38 AM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: Scan from Law Office Copier

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DEBORAH S. MISKOVICH

ATTORNEY AT LAW

900 PARISH STREET

THIRD FLOOR

PITTSBURGH, PENNSYLVANIA 15220-3407

FILE COPY

TELEPHONE: (412) 921-1900

FACSIMILE: (412) 921-5179

December 18, 2017

**VIA FACSIMILE, ELECTRONIC MAIL
AND FIRST CLASS U.S. MAIL**

Donald R. Calaiaro, Esquire

David C. Valencik, Esquire

Calaiaro Valencik

428 Forbes Avenue

Suite 900

Pittsburgh, PA 15219

In re: Kathleen Miskovich

Dear Messieurs Calaiaro and Valencik:

On Saturday, December 16, 2017, I received a copy of your letter to Kathy dated December 7, 2017. The letter was both post office stamped and postmarked December 14, 2017. Likewise, Kathy received your original letter on Saturday and it too was stamped and postmarked December 14, 2017. Clearly someone in your office is either pre-dating letters or failing to mail them.

With regard to the telephone calls which were not returned, I did not maintain a record, but I will do so now.

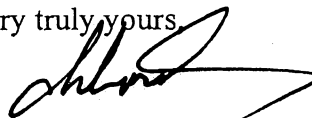
As for the e-mails, it is curious that my e-mails to you all now go into your spam file inasmuch as we have had numerous e-mails exchanged in the past. From this point forward I will send communications via at least two ways.

If you require anything from Kathy for the December 20, 2017, proceeding, please advise today.

As a final note, I hope that Don's surgery goes well.

Thank you.

Very truly yours,



Deborah S. Miskovich

DSM/me

cc: Ms. Kathleen Miskovich

Deborah Miskovich

From: Microsoft Outlook
To: 'Donald Calaiaro'; David Valencik
Sent: Monday, December 18, 2017 1:40 PM
Subject: Relayed: KATHLEEN MISKOVICH

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'Donald Calaiaro' (dcalaiaro@c-vlaw.com)

David Valencik (dvalencik@c-vlaw.com)

Subject: KATHLEEN MISKOVICH

Deborah Miskovich

From: Deborah Miskovich
Sent: Thursday, August 13, 2015 11:34 AM
To: 'DCALAIARO@C-VLAW.COM'
Cc: 'Stephanie Simmons'
Subject: LETTER DATED AUGUST 10, 2015

DON:

I AM IN RECEIPT THIS DAY OF YOUR LETTER DATED AUGUST 10, 2015. YOUR LETTER REFERENCES THREE (3) ENCLOSURES, NONE OF WHICH WERE ENCLOSED. PLEASE HAVE THEM SCANNED AND E-MAILED TO ME OR FAXED TO ME.

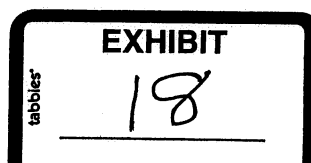
YOUR LETTER ALSO REFERENCES THE CREDIT COUNSELING SESSION. IF THIS IS REFERING TO THE TWO COURSES WHICH KATHY TOOK AND COMPLETED -THE CERTIFICATE WAS SENT TO YOU VIA ELECTRONIC MAIL ON JULY 31, 2015. PLEASE CONFIRM THAT SHE IS NOT REQUIRED TO DO ANYTHING MORE.

AS FOR THE FIRST MEETING OF CREDITORS, IS KATHY GOING TO BE REQUIRED TO MAKE ANY STATEMENTS TO THE COURT OR IS THIS MERELY A FORMALITY FOR THE CREDITORS TO SUBMIT CLAIMS? I NOTE THAT IT IS SCHEDULED FOR THIS MONDAY AND I AM TRYING TO DETERMINE IF IT IS NECESSARY FOR ME TO BE THERE.

THANK YOU,

DEBORAH S. MISKOVICH, ESQUIRE

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Deborah Miskovich

From: Microsoft Outlook
To: DCALAIARO@C-VLAW.COM; Stephanie Simmons
Sent: Thursday, August 13, 2015 11:35 AM
Subject: Relayed: LETTER DATED AUGUST 10, 2015

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DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Stephanie Simmons (ssimmons@c-vlaw.com)

Subject: LETTER DATED AUGUST 10, 2015

Deborah Miskovich

From: Deborah Miskovich
Sent: Monday, November 27, 2017 11:52 AM
To: 'Donald Calaiaro'; David Valencik
Subject: LETTER DATED NOVEMBER 7, 2017 FROM DITECH
Attachments: Scanned Document001.pdf

DON AND DAVID:

I AM IN RECEIPT THIS DAY OF A COPY OF A LETTER SENT FROM YOUR OFFICE ENCLOSING A LETTER DATED NOVEMBER 7, 2017, FROM DITECH. I NOTE THAT THE LETTER SENT FROM YOUR OFFICE WAS POSTMARKED NOVEMBER 27, 2017.

PLEASE BE ADVISED THAT KATHY HAS NOT MISSED ONE PAYMENT TO THE TRUSTEE. SHE IS IN FULL COMPLIANCE WITH THE ORDER. SHE HAS MAILED EACH PAYMENT WITH A CERTIFICATE OF MAILING FROM THE POST OFFICE TO DOCUMENT EACH PAYMENT.

PLEASE ADVISE HOW SHE MAY OBTAIN A COPY OF THE PAYMENT RECORD FROM THE COURT SO AS TO COOMPARE IT TO HER RECORDS.

THIS APPEARS TO BE YET ANOTHER ATTEMPT BY DITECH TO HARASS HER AND AS EVIDENCED BY THEIR SURREPTITCIOUS AND ILLEGAL ENTRY ONTO HER PROPERTY, THERE IS THE POSSIBILITY THAT THEY ARE PLOTTING TO TAKE HER PROPERTY.

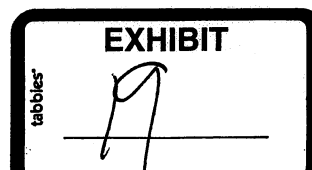
I WOULD APPRECIATE A RESPONSE.

THANK YOU.

DEBORAH S. MISKOVICH, ESQUIRE
900 PARISH STREET
FIRST FLOOR
PITTSBURGH, PA 15220

(412) 921-1900 (TELEPHONE)
(412) 921-5179 (FACSIMILE)
dmiskovich@rendabroadcasting.com (ELECTRONIC MAIL)

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-----Original Message-----

From: lawcopier@rendabroadcasting.com [mailto:lawcopier@rendabroadcasting.com]

Sent: Monday, November 27, 2017 7:34 AM

To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>

Subject: Scan from Law Office Copier

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Deborah Miskovich

From: Microsoft Outlook
To: 'Donald Calaiaro'; David Valencik
Sent: Monday, November 27, 2017 11:53 AM
Subject: Relayed: LETTER DATED NOVEMBER 7, 2017 FROM DITECH

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

'Donald Calaiaro' (dcalaiaro@c-vlaw.com)

David Valencik (dvalencik@c-vlaw.com)

Subject: LETTER DATED NOVEMBER 7, 2017 FROM DITECH

Deborah Miskovich

From: Deborah Miskovich
Sent: Friday, July 31, 2015 9:08 AM
To: 'DCALAIARO@C-VLAW.COM'
Cc: 'Stephanie Simmons'
Subject: KATHLEEN MISKOVICH VEHICLE INSURANCE 2 OF 2
Attachments: Requested_Documents[1].pdf

DON:

ATTACHED IS THE SECOND VEHICLE INSURANCE INFORMATION SENT TO ME FROM THE HARTFORD.

AS A SEPARATE BUT RELATED MATTER, IN THE ENVELOPE WITH YOUR LETTER DATED JULY 29, 2015, WAS A SECOND LETTER ADDRESSED TO JOHN WRIGHT AND DENISE WRIGHT WHICH CLEARLY WAS NOT INTENDED FOR KATHY. PLEASE CALL IF YOU NEED ME TO E-MAIL OR FAX THAT TO YOU.

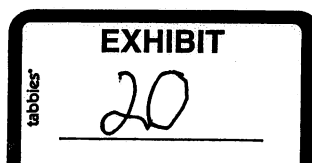
THANK YOU AGAIN.

DEBORAH S. MISKOVICH, ESQUIRE

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From: Nunez, Araelisa (Operations) [mailto:Araelisa.Nunez@thehartford.com]
Sent: Friday, July 31, 2015 8:52 AM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: POLICY# 55PHJ593896

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Deborah Miskovich

From: Microsoft Outlook
To: DCALAIARO@C-VLAW.COM; Stephanie Simmons
Sent: Friday, July 31, 2015 9:08 AM
Subject: Relayed: KATHLEEN MISKOVICH VEHICLE INSURANCE 2 OF 2

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

DCALAIARO@C-VLAW.COM (DCALAIARO@C-VLAW.COM)

Stephanie Simmons (ssimmons@c-vlaw.com)

Subject: KATHLEEN MISKOVICH VEHICLE INSURANCE 2 OF 2

Deborah Miskovich

From: Deborah Miskovich
Sent: Thursday, August 13, 2015 12:23 PM
To: 'Stephanie Simmons'
Subject: RE: 341 letter attached

STEPHANIE:

THANK YOU FOR THE QUICK REPLY, HOWEVER, DON'S LETTER DATED AUGUST 10, 2015, REFERENCES THREE (3) ENCLOSURES. YOU HAVE NOW SENT ME ONE --THE NOTICE OF THE FIRST MEETING OF CREDITORS, HOWEVER, THE SECOND PARAGRAPH OF THE LETTER ADDRESSES TWO (2) OTHER DOCUMENTS WHICH ARE SAID TO REQUIRE KATHY'S REVIEW AND COMPLETION. PLEASE E-MAIL THOSE AS WELL.

THANK YOU.

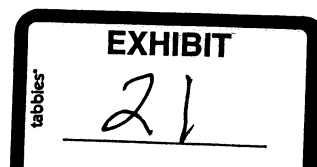
DEBORAH S. MISKOVICH, ESQUIRE

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From: Stephanie Simmons [mailto:ssimmons@c-vlaw.com]
Sent: Thursday, August 13, 2015 12:11 PM
To: Deborah Miskovich <DMiskovich@rendabroadcasting.com>
Subject: 341 letter attached

This is the letter that should have been included. Sorry

Stephanie



Deborah Miskovich

From: Microsoft Outlook
To: Stephanie Simmons
Sent: Thursday, August 13, 2015 12:23 PM
Subject: Relayed: RE: 341 letter attached

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Stephanie Simmons (ssimmons@c-vlaw.com)

Subject: RE: 341 letter attached

VERIFICATION

I verify that the statements made in the foregoing are true and correct. I understand that false statements therein are made subject to penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: November 2, 2020



Kathleen Miskovich

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	Bankruptcy No. 15-22497 GLT
KATHLEEN MISKOVICH,	:	Chapter 13
Debtor	:	
	:	Related to Document No. 133
	:	
CALAIARO VALENCIK,	:	
Movant,	:	Hearing Date and Time:
vs	:	11/18/2020 @10:00 a.m.
	:	
KATHLEEN MISKOVICH,	:	Response Document No: 134
Respondent.	:	

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, upon consideration of the foregoing Objections to Final Fees and Expenses Application by attorney for Debtor, it is hereby **ORDERED** that no additional fees are due after the retainer of \$1,000 and payments of \$4,000 from the Chapter 13 Trustee have been applied.

It is further **ORDERED** that the expense of \$333.14 are approved.

By the Court,

The Honorable Gregory L. Taddonio
United States Bankruptcy Judge

PGH00057

RECEIVED

NOV 03 2020

CLERK, U.S. BANKRUPTCY COURT
WEST DIST OF PENNSYLVANIA

~~CLERK, U.S. BANKRUPTCY COURT
WEST DIST OF PENNSYLVANIA
NOV 03 2020 10:31 AM~~